



Signed: March 08, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
ALFONSO CARPIO BARRETTO,
Debtor./

Case No. 10-46894 EDJ
Chapter 7

MARTHA MARTINEZ,
Plaintiff,

Adv. Proc. No. 10-04273 AJ

vs.

ALFONSO CARPIO BARRETTO,
Defendant./

MEMORANDUM

A status conference was held February 28, 2011, in the above-captioned matter. Martha Martinez, the above-named plaintiff ("Martinez") appeared on her own behalf. Alfonso Carpio Barretto, the above-named defendant ("Barretto") did not appear.

By her complaint, Martinez seeks to deem nondischargeable a \$733,212.60 judgment issued in her favor by the Superior Court of California, County of Santa Clara, on April 27, 2009 (the "Superior

Memorandum

1 Court Judgment"). However, the compliant filed by Martinez in the
2 Superior Court action alleges many causes of action, some of which
3 are nondischargeable under Bankruptcy Code §§ 523(a)(2)(A) and
4 523(a)(4), and others, such as negligence, which are not. In
5 addition, the Superior Court Judgment does not allocate liability,
6 and this court cannot determine which portion of the Superior Court
7 Judgment is attributable to each cause of action stated in
8 Martinez's Superior Court complaint. Even so, the court can
9 ascertain that \$500,000 of the Superior Court Judgment is
10 attributable to "Punitive/special damages".

11 At the February 28, 2011 status conference, the court accepted
12 Martinez's explanation of the facts of this matter as an offer of
13 proof, and determined that \$17,000 in actual damages and \$17,000 in
14 punitive damages should be excluded from Barretto's discharge.

15 Barretto has failed to file any response to the complaint or to
16 appear at any status conference in this matter.

17 For the foregoing reasons, the court will issue its judgment in
18 favor of Martinez.

19 **END OF MEMORANDUM**
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COURT SERVICE LIST

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Fremont, CA 94539

Alfonso Carpio Barretto
28545 Anchorage Lane
Hayward, CA 94545

Memorandum

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